



Rep. Elizabeth Hernandez

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LRB097 15266 RPM 67992 a

1 AMENDMENT TO HOUSE BILL 4275

2 AMENDMENT NO. _____. Amend House Bill 4275 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 10-22.6, 13A-4, 13A-11, and 34-19 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 Sec. 10-22.6. Suspension or expulsion of pupils; school
8 searches.

9 (a) To expel pupils guilty of gross disobedience or
10 misconduct, including gross disobedience or misconduct
11 perpetuated by electronic means, and no action shall lie
12 against them for such expulsion. Expulsion shall take place
13 only after the parents have been requested to appear at a
14 meeting of the board, or with a hearing officer appointed by
15 it, to discuss their child's behavior. Such request shall be
16 made by registered or certified mail and shall state the time,

1 place and purpose of the meeting. The board, or a hearing
2 officer appointed by it, at such meeting shall state the
3 reasons for dismissal and the date on which the expulsion is to
4 become effective. If a hearing officer is appointed by the
5 board he shall report to the board a written summary of the
6 evidence heard at the meeting and the board may take such
7 action thereon as it finds appropriate. In school districts
8 located in whole or in part within counties that have a
9 municipality with a population of 500,000 or more, an expelled
10 pupil must be immediately transferred to an alternative program
11 in the manner provided in Article 13A or 13B of this Code,
12 except those pupils expelled under the provisions of the
13 federal Gun-Free Schools Act of 1994. In school districts
14 located outside of counties that have a municipality with a
15 population of 500,000 or more, an ~~An~~ expelled pupil may be
16 immediately transferred to an alternative program in the manner
17 provided in Article 13A or 13B of this Code. A pupil must not
18 be denied transfer because of the expulsion, except in cases in
19 which such transfer is deemed to cause a threat to the safety
20 of students or staff in the alternative program.

21 (b) To suspend or by policy to authorize the superintendent
22 of the district or the principal, assistant principal, or dean
23 of students of any school to suspend pupils guilty of gross
24 disobedience or misconduct, or to suspend pupils guilty of
25 gross disobedience or misconduct on the school bus from riding
26 the school bus, and no action shall lie against them for such

1 suspension. The board may by policy authorize the
2 superintendent of the district or the principal, assistant
3 principal, or dean of students of any school to suspend pupils
4 guilty of such acts for a period not to exceed 10 school days.
5 If a pupil is suspended due to gross disobedience or misconduct
6 on a school bus, the board may suspend the pupil in excess of
7 10 school days for safety reasons. Any suspension shall be
8 reported immediately to the parents or guardian of such pupil
9 along with a full statement of the reasons for such suspension
10 and a notice of their right to a review. The school board must
11 be given a summary of the notice, including the reason for the
12 suspension and the suspension length. Upon request of the
13 parents or guardian the school board or a hearing officer
14 appointed by it shall review such action of the superintendent
15 or principal, assistant principal, or dean of students. At such
16 review the parents or guardian of the pupil may appear and
17 discuss the suspension with the board or its hearing officer.
18 If a hearing officer is appointed by the board he shall report
19 to the board a written summary of the evidence heard at the
20 meeting. After its hearing or upon receipt of the written
21 report of its hearing officer, the board may take such action
22 as it finds appropriate. In school districts located in whole
23 or in part within counties that have a municipality with a
24 population of 500,000 or more, a pupil who is suspended in
25 excess of 20 school days must be immediately transferred to an
26 alternative program in the manner provided in Article 13A or

1 13B of this Code. In school districts located outside of
2 counties that have a municipality with a population of 500,000
3 or more, a A pupil who is suspended in excess of 20 school days
4 may be immediately transferred to an alternative program in the
5 manner provided in Article 13A or 13B of this Code. A pupil
6 must not be denied transfer because of the suspension, except
7 in cases in which such transfer is deemed to cause a threat to
8 the safety of students or staff in the alternative program.

9 (c) The Department of Human Services shall be invited to
10 send a representative to consult with the board at such meeting
11 whenever there is evidence that mental illness may be the cause
12 for expulsion or suspension.

13 (d) The board may expel a student for a definite period of
14 time not to exceed 2 calendar years, as determined on a case by
15 case basis. A student who is determined to have brought one of
16 the following objects to school, any school-sponsored activity
17 or event, or any activity or event that bears a reasonable
18 relationship to school shall be expelled for a period of not
19 less than one year:

20 (1) A firearm. For the purposes of this Section,
21 "firearm" means any gun, rifle, shotgun, weapon as defined
22 by Section 921 of Title 18 of the United States Code,
23 firearm as defined in Section 1.1 of the Firearm Owners
24 Identification Card Act, or firearm as defined in Section
25 24-1 of the Criminal Code of 1961. The expulsion period
26 under this subdivision (1) may be modified by the

1 superintendent, and the superintendent's determination may
2 be modified by the board on a case-by-case basis.

3 (2) A knife, brass knuckles or other knuckle weapon
4 regardless of its composition, a billy club, or any other
5 object if used or attempted to be used to cause bodily
6 harm, including "look alike" of any firearm as defined in
7 subdivision (1) of this subsection (d). The expulsion
8 requirement under this subdivision (2) may be modified by
9 the superintendent, and the superintendent's determination
10 may be modified by the board on a case-by-case basis.

11 Expulsion or suspension shall be construed in a manner
12 consistent with the Federal Individuals with Disabilities
13 Education Act. A student who is subject to suspension or
14 expulsion as provided in this Section may be eligible for a
15 transfer to an alternative school program in accordance with
16 Article 13A of the School Code. The provisions of this
17 subsection (d) apply in all school districts, including special
18 charter districts and districts organized under Article 34.

19 (d-5) The board may suspend or by regulation authorize the
20 superintendent of the district or the principal, assistant
21 principal, or dean of students of any school to suspend a
22 student for a period not to exceed 10 school days or may expel
23 a student for a definite period of time not to exceed 2
24 calendar years, as determined on a case by case basis, if (i)
25 that student has been determined to have made an explicit
26 threat on an Internet website against a school employee, a

1 student, or any school-related personnel, (ii) the Internet
2 website through which the threat was made is a site that was
3 accessible within the school at the time the threat was made or
4 was available to third parties who worked or studied within the
5 school grounds at the time the threat was made, and (iii) the
6 threat could be reasonably interpreted as threatening to the
7 safety and security of the threatened individual because of his
8 or her duties or employment status or status as a student
9 inside the school. The provisions of this subsection (d-5)
10 apply in all school districts, including special charter
11 districts and districts organized under Article 34 of this
12 Code.

13 (e) To maintain order and security in the schools, school
14 authorities may inspect and search places and areas such as
15 lockers, desks, parking lots, and other school property and
16 equipment owned or controlled by the school, as well as
17 personal effects left in those places and areas by students,
18 without notice to or the consent of the student, and without a
19 search warrant. As a matter of public policy, the General
20 Assembly finds that students have no reasonable expectation of
21 privacy in these places and areas or in their personal effects
22 left in these places and areas. School authorities may request
23 the assistance of law enforcement officials for the purpose of
24 conducting inspections and searches of lockers, desks, parking
25 lots, and other school property and equipment owned or
26 controlled by the school for illegal drugs, weapons, or other

1 illegal or dangerous substances or materials, including
2 searches conducted through the use of specially trained dogs.
3 If a search conducted in accordance with this Section produces
4 evidence that the student has violated or is violating either
5 the law, local ordinance, or the school's policies or rules,
6 such evidence may be seized by school authorities, and
7 disciplinary action may be taken. School authorities may also
8 turn over such evidence to law enforcement authorities. The
9 provisions of this subsection (e) apply in all school
10 districts, including special charter districts and districts
11 organized under Article 34.

12 (f) Suspension or expulsion may include suspension or
13 expulsion from school and all school activities and a
14 prohibition from being present on school grounds.

15 (g) A school district may adopt a policy providing that if
16 a student is suspended or expelled for any reason from any
17 public or private school in this or any other state, the
18 student must complete the entire term of the suspension or
19 expulsion in an alternative school program under Article 13A of
20 this Code or an alternative learning opportunities program
21 under Article 13B of this Code before being admitted into the
22 school district if there is no threat to the safety of students
23 or staff in the alternative program. This subsection (g)
24 applies to all school districts, including special charter
25 districts and districts organized under Article 34 of this
26 Code.

1 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
2 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

3 (105 ILCS 5/13A-4)

4 Sec. 13A-4. Administrative transfers. In the case of a
5 student enrolled in the public schools of a school district
6 organized under Article 34, in accordance with the uniform
7 system of discipline established under Section 34-19, or a
8 student enrolled in a school district located in whole or in
9 part within a county that has a municipality with a population
10 of 500,000 or more, a student who is determined to be subject
11 to suspension or expulsion or who is suspended or expelled, in
12 the manner provided by Section 10-22.6, must be immediately
13 transferred to the alternative program. In all other cases, a ~~A~~
14 student who is determined to be subject to suspension or
15 expulsion or who is suspended or expelled, in the manner
16 provided by Section 10-22.6, ~~(or, in the case of a student~~
17 ~~enrolled in the public schools of a school district organized~~
18 ~~under Article 34, in accordance with the uniform system of~~
19 ~~discipline established under Section 34-19)~~ may be immediately
20 transferred to the alternative program. At the earliest time
21 following that transfer appropriate personnel from the sending
22 school district and appropriate personnel of the alternative
23 program shall meet to develop an alternative education plan for
24 the student. The student's parent or guardian shall be
25 requested to appear at ~~invited to~~ this meeting. In school

1 districts located in whole or in part within counties that have
2 a municipality with a population of 500,000 or more, this
3 request must be made by certified mail or delivered in person;
4 state the date, time, place, and purpose of the meeting; and
5 provide notice that the parents or guardians will be given an
6 opportunity to speak regarding their expectations for the
7 alternative education plan. The student may be invited. The
8 alternative educational plan shall include, but not be limited
9 to all of the following:

10 (1) The duration of the plan, including a date after
11 which the student may be returned to the regular
12 educational program in the public schools of the
13 transferring district. If the parent or guardian of a
14 student who is scheduled to be returned to the regular
15 education program in the public schools of the district
16 files a written objection to the return with the principal
17 of the alternative school, the matter shall be referred by
18 the principal to the regional superintendent of the
19 educational service region in which the alternative school
20 program is located for a hearing. Notice of the hearing
21 shall be given by the regional superintendent to the
22 student's parent or guardian. After the hearing, the
23 regional superintendent may take such action as he or she
24 finds appropriate and in the best interests of the student.
25 The determination of the regional superintendent shall be
26 final.

1 (2) The specific academic and behavioral components of
2 the plan.

3 (3) A method and time frame for reviewing the student's
4 progress.

5 (4) For school districts located in whole or in part
6 within counties that have a municipality with a population
7 of 500,000 or more, a parental involvement section. The
8 parental involvement section shall state whether there was
9 involvement by the parent, guardian, or student in
10 developing the alternative education plan.

11 Notwithstanding any other provision of this Article, if a
12 student for whom an individualized educational program has been
13 developed under Article 14 is transferred to an alternative
14 school program under this Article 13A, that individualized
15 educational program shall continue to apply to that student
16 following the transfer unless modified in accordance with the
17 provisions of Article 14.

18 (Source: P.A. 89-383, eff. 8-18-95; 89-629, eff. 8-9-96.)

19 (105 ILCS 5/13A-11)

20 Sec. 13A-11. Chicago public schools.

21 (a) The Chicago Board of Education shall ~~may~~ establish
22 alternative schools within Chicago and may contract with third
23 parties for services otherwise performed by employees,
24 including those in a bargaining unit, in accordance with
25 Sections 34-8.1, 34-18, and 34-49.

1 (b) Alternative schools operated by third parties within
2 Chicago shall be exempt from all provisions of the School Code,
3 except provisions concerning:

4 (1) Student civil rights;

5 (2) Staff civil rights;

6 (3) Health and safety;

7 (4) Performance and financial audits;

8 (5) The Illinois Goals Assessment Program;

9 (6) Chicago learning outcomes;

10 (7) Sections 2-3.25a through 2-3.25j of the School
11 Code;

12 (8) The Inspector General; and

13 (9) Section 34-2.4b of the School Code.

14 (Source: P.A. 89-383, eff. 8-18-95; 89-636, eff. 8-9-96.)

15 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

16 Sec. 34-19. By-laws, rules and regulations; business
17 transacted at regular meetings; voting; records. The board
18 shall, subject to the limitations in this Article, establish
19 by-laws, rules and regulations, which shall have the force of
20 ordinances, for the proper maintenance of a uniform system of
21 discipline for both employees and pupils, and for the entire
22 management of the schools, and may fix the school age of
23 pupils, the minimum of which in kindergartens shall not be
24 under 4 years, except that, based upon an assessment of the
25 child's readiness, children who have attended a non-public

1 preschool and continued their education at that school through
2 kindergarten, were taught in kindergarten by an appropriately
3 certified teacher, and will attain the age of 6 years on or
4 before December 31 of the year of the 2009-2010 school term and
5 each school term thereafter may attend first grade upon
6 commencement of such term, and in grade schools shall not be
7 under 6 years. It may expel, suspend or, subject to the
8 limitations of all policies established or adopted under
9 Section 14-8.05, otherwise discipline any pupil found guilty of
10 gross disobedience, misconduct or other violation of the
11 by-laws, rules and regulations, including gross disobedience
12 or misconduct perpetuated by electronic means. An expelled
13 pupil must ~~may~~ be immediately transferred to an alternative
14 program in the manner provided in Article 13A or 13B of this
15 Code, except those pupils expelled under the provisions of the
16 federal Gun-Free Schools Act of 1994. A pupil must not be
17 denied transfer because of the expulsion, except in cases in
18 which such transfer is deemed to cause a threat to the safety
19 of students or staff in the alternative program. A pupil who is
20 suspended in excess of 20 school days must ~~may~~ be immediately
21 transferred to an alternative program in the manner provided in
22 Article 13A or 13B of this Code. A pupil must not be denied
23 transfer because of the suspension, except in cases in which
24 such transfer is deemed to cause a threat to the safety of
25 students or staff in the alternative program. The bylaws, rules
26 and regulations of the board shall be enacted, money shall be

1 appropriated or expended, salaries shall be fixed or changed,
2 and textbooks, electronic textbooks, and courses of
3 instruction shall be adopted or changed only at the regular
4 meetings of the board and by a vote of a majority of the full
5 membership of the board; provided that notwithstanding any
6 other provision of this Article or the School Code, neither the
7 board or any local school council may purchase any textbook for
8 use in any public school of the district from any textbook
9 publisher that fails to furnish any computer diskettes as
10 required under Section 28-21. Funds appropriated for textbook
11 purchases must be available for electronic textbook purchases
12 and the technological equipment necessary to gain access to and
13 use electronic textbooks at the local school council's
14 discretion. The board shall be further encouraged to provide
15 opportunities for public hearing and testimony before the
16 adoption of bylaws, rules and regulations. Upon all
17 propositions requiring for their adoption at least a majority
18 of all the members of the board the yeas and nays shall be
19 taken and reported. The by-laws, rules and regulations of the
20 board shall not be repealed, amended or added to, except by a
21 vote of 2/3 of the full membership of the board. The board
22 shall keep a record of all its proceedings. Such records and
23 all by-laws, rules and regulations, or parts thereof, may be
24 proved by a copy thereof certified to be such by the secretary
25 of the board, but if they are printed in book or pamphlet form
26 which are purported to be published by authority of the board

1 they need not be otherwise published and the book or pamphlet
2 shall be received as evidence, without further proof, of the
3 records, by-laws, rules and regulations, or any part thereof,
4 as of the dates thereof as shown in such book or pamphlet, in
5 all courts and places where judicial proceedings are had.

6 Notwithstanding any other provision in this Article or in
7 the School Code, the board may delegate to the general
8 superintendent or to the attorney the authorities granted to
9 the board in the School Code, provided such delegation and
10 appropriate oversight procedures are made pursuant to board
11 by-laws, rules and regulations, adopted as herein provided,
12 except that the board may not delegate its authorities and
13 responsibilities regarding (1) budget approval obligations;
14 (2) rule-making functions; (3) desegregation obligations; (4)
15 real estate acquisition, sale or lease in excess of 10 years as
16 provided in Section 34-21; (5) the levy of taxes; or (6) any
17 mandates imposed upon the board by "An Act in relation to
18 school reform in cities over 500,000, amending Acts herein
19 named", approved December 12, 1988 (P.A. 85-1418).

20 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;
21 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)".